

**United States Court of Appeals
FOR THE EIGHTH CIRCUIT**

No. 96-3519/4080/4082/4083

The People of the State of
California; The Public Utilities
Commission of the State of
California,

Petitioners,

vs.

Federal Communications
Commission; United States of
America, et al.,

Respondents.

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* On Remand from The
* Supreme Court of The
* United States of America
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ORDER

Filed: June 10, 1999

Before Wollman, Chief Judge, Bowman and Hansen, Circuit Judges.

That portion of this court's judgment in these consolidated cases which vacated the FCC's dialing parity rules, 47 C.F.R. § 51.205-51.215, has been reversed by the Supreme Court of the United States. See AT&T v. Iowa Utilities Board, No. 97-826 (and consolidated cases), 119 S. Ct. 721, 733 (1999).

Presently pending before this court is Intervenor U.S. West's Motion Regarding Further Proceedings on Remand, and Intervenor U.S. West's separate Petition for a Writ of Prohibition. Having carefully considered the

Supreme Court's opinion and the pending motion and petition and the responses filed in resistance thereto,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

1. This court's previously issued mandate vacating the FCC's dialing parity rules, 47 C.F.R. § 51.205-51.215, is recalled.

2. That portion of this court's judgment entered on August 22, 1997, vacating the aforesaid dialing parity rules is itself vacated, and the previously vacated rules are reinstated.

3. The Motion Regarding Further Proceedings on Remand filed by Intervenor, U.S. West, is denied.

4. The Petition for Writ of Prohibition filed by the Intervenor, U.S. West, is denied.

5. The Petitions for Review of the FCC's Second Report and Order filed herein are dismissed with prejudice.

6. A conforming new mandate shall issue forthwith.

Order Entered at the Direction of the Court:

Clerk, U.S. Court of Appeals, Eighth Circuit.